

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
File No. 1:22-CV-478**

HAYDEN SCOTT ROSE,

Plaintiff

v.

**PRESQUE ISLE VILLAS
CONDOMINIUM HOMEOWNERS
ASSOCIATION, Inc., et al.,**

Defendants

ORDER

This matter is before the Court on Plaintiff's Motion for Extension of Time [Doc #24], seeking an extension of time to respond to Defendants' Motion for Judgment on the Pleadings. The Court finds good cause to allow the requested extension of time.

Notably, the Court is not making a preliminary determination on whether Defendants' Motion for Judgment on the Pleadings should be converted into a Motion for Summary Judgment. Therefore, Plaintiff's Response to the Motion for Judgment on the Pleadings should respond to the substance of the Motion and should also include any arguments regarding which documents or assertions should not be considered without converting the Motion into a Motion for Summary Judgment with notice and further opportunity to respond under Rule 12(d). See Mendenhall v. Hanesbrands, Inc., 856 F. Supp. 2d 717, 724 (M.D.N.C. 2012) (citing Horsley v. Feldt, 304 F.3d 1125, 1134–35 (11th Cir. 2002)).

IT IS THEREFORE ORDERED that the Motion for Extension of Time [Doc. #24] is GRANTED and Plaintiff is granted up to and including October 31, 2022, to respond to the Defendants' Motion for Judgment on the Pleadings.

This, the 19th day of October 2022.

/s/ Joi Elizabeth Peake
United States Magistrate Judge